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10/763,220	01/26/2004	Takashi Hanamoto	00862.023424	6562
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NGUYEN, MADELEINE ANH VINH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,220

Applicant(s)

HANAMOTO, TAKASHI

Examiner

Madeleine AV Nguyen

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on June 18, 2008 have been fully considered but they are not persuasive.
2. Applicant remarks that the processing condition instructed by a user in Kumada (Figs.24 and 25) is used for generating a profile and has no revelation with a print instruction. Nothing has been pointed out in Kumada that a combination of a color space and bit precision is selected based upon a user's instruction for print quality.

Kumada teaches a user interface (Figs.15-20, 24-25, 27-30) for receiving instructions from the user. Specifically, Kumada states, "The user can instruct execution of the calorimetric process via a user interface displayed on a monitor 1004" (paragraph 0095). Figs 15-20, 24-25, 27-30 show user interfaces in the calorimetric process, parameter setup windows displayed, the user interface used to display the calorimetric result, user interfaces associated with history management. For instance, the user inputs type of calorimetric information (Fig.15), designates for correction for calorimetric value (correction white point of paper to white point of calorimetric light source, smooth colorimetric values in Fig.24), setup source side (precision priority, bit precision), destination side (speed priority, bit precision), (Fig.25), the type of paper-ink (Fig.28), colorimetric information (Fig.29). Thus, although the instructions entered from the user are for generating a profile, they includes print instructions corresponding to the print quality instructed by the user such as color space, bit precision, color correction, magnification, color conversion, type of color chart, type of paper and ink, colorimetric light source, smoothing,

etc. (Fig.32). In addition, Kumada discloses a preview module 1005 (Fig.11) which supplies or instructs an image 1006 to be proofed, a profile corresponding to a target device, the profiles 1101D and 1101S of the output device, and a monitor profile 1103 to a color management module 1107 to make it color-convert the image 1006 (paragraph 0093). Specifically, Kumada teaches in Fig.13 a preview window displayed on the monitor 1004 wherein an image which is to be printed by the target, i.e., preview image B, can be displayed on the monitor 1004, and its color reproducibility can be observed. The user can determine whether the generated output device profiles are appropriate by observing and comparing the two images. Thus, when any abnormality is found or correction is needed in the generated profile, the user can regenerate based on the preview image result allowing easy trouble shooting and correction (paragraphs 0154-0162). For instance, Kumada teaches an alarm process when alarm marks are displayed and the state of the output device can be recognized. When a large number of alarm marks are displayed, this means that the color reproduction characteristics of that output device considerably deviate from the standard, and it is determined that it is hard to attain high-precision proof (paragraph 0112). Kumada further teaches, "The operator determines in step S27 with reference to the displayed calorimetric result shown in Fig. 20 if the colorimetric process is to be executed again. If the operator instructs to execute the calorimetric process again, only color patches with the alarm marks are measured again in step S28, and the flow returns to step S26 to display the colorimetric result again" (paragraph 0102).

Therefore, Kumada teaches a combination of a color space, bit precision and other instructions is selected based upon a user's instruction for print quality as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumada et al (Publication No. US2002/0145744).

Concerning claim 1, Kumada discloses an image data processing apparatus (Fig.1, 10 and 22) for processing image data to be printed, comprising: a print-quality acquisition unit (user interface, Figs. 15-20, 24-25, 27-30) adapted to acquire information relating to print quality which is instructed by a user (profile having printing instructions and output characteristics of a printer); and a selection unit (Figs. 24-25) adapted to select a combination of a color space and bit precision based upon the acquired information (Fig.32); a conversion unit (101, 104, 106, Fig.1) adapted to convert the input image data to the selected color space and bit-precision; a correction unit (preview image in the monitor 1004, Figs.12-13) adapted to correct the converted image data; an output unit (107, Fig.1) adapted to output the corrected image data to a printer, wherein the printer forms, based on the acquired information relating to print (Abstract; paragraphs 0004-0007, 0051-0053, 0059, 0081-0089, 0093, 0095-0099, 0102-0103, 0110-0115, 0140-0141, 0150, 0155-0162).

Kumada does not specifically teach that the printer forms image on a printing medium based on the acquired information relating to print quality. However, it is noted that most of the input instructions from the user for generating a profile are for printing instruction and output

characteristics of the printer. For instance, Fig. 32 shows input instructions from the user such as type of paper-ink, color space, color chart type, white point correction, smoothing, source lookup table (size precision), smoothing table (8-bit precision), type of table precision, gamma correction. The user can change the magnification of the image (Fig.13) and input instructions for the alarm process (paragraphs 0110-0115). In addition, the apparatus in Kumada has a preview function of making monitor display for confirmation. Specifically, Kumada teaches in Fig.13 a preview window displayed on the monitor 1004 wherein an image which is to be printed by the target, i.e., preview image B, can be displayed on the monitor 1004, and its color reproducibility can be observed. The user can determine whether the generated output device profiles are appropriate by observing and comparing the two images. Thus, when any abnormality is found or correction is needed in the generated profile, the user can regenerate based on the preview image result allowing easy trouble shooting and correction (paragraphs 0155-0162). It would have been obvious to one skilled in the art at the time the invention was made to consider the acquired information input from the user relate to print quality and the printer forms image on a printing medium based on the acquired information since the user input instructions are for image printing by a specific printer while the quality of the reproduced image is confirmed and corrected by the user from the preview process and alarm process.

Concerning claims 3-4 ,Kumada further teaches the apparatus according to claim 1, wherein a plurality of combinations are provided, each combination having a different color space size and bit precision (paragraphs 0051, 0053, 0059, 0141, 0150); and at least one combination among the plurality of combinations has a bit precision lower and a color space of a size (gamut) smaller than those of the other combinations (paragraphs 0051, 0053,

0059, 0141, 0150); the information relating to print quality is type of medium on which the image data is printed (paragraphs 0050, 0053, 0148); the information relating to print quality is resolution (inherently teach in the profile of the output device that prevails when the image data is printed, Figs.13, 32, 38, 40-41).

Claims 5, 7, 8 are method claims of apparatus claims 1, 3-4. Claims 5, 7, 8 are rejected for the same rationales set forth for claims 1, 3-4 above.

Concerning claim 6, Kumada further teaches the selection of either 8-bit or 16 bit RGB including 8-bit sRGB (Fig.10; paragraph 0081-0085).

Kumada does not directly teach the 16-bit xRGB color space. However, since xRGB also belongs in RGB color space while Kumada teaches RGB and sRGB color spaces, it would have been obvious to one skilled in the art at the time the invention was made to modify the selection of 16-bit RGB to 16-bit xRGB since the xRGB is also include in the RGB color space.

Concerning claim 10, Kumada discloses a control program or a recording medium residing on a computer readable medium for causing the image data processing method set forth in claim 5 to be implemented by a computer.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Madeleine AV Nguyen/
Primary Examiner, Art Unit 2625

Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

September 27, 2008